

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

ARTHUR J. JONES, JR.

PLAINTIFF

VERSUS

NO. H18-0073

CITY OF HATTIESBURG,
Detective Sergeant NEAL ROCKHOLD, Individually
and as the agent of the Defendant, City of
Hattiesburg

Gwen Wilks
FORREST COUNTY CIRCUIT CLERK

DEFENDANTS

COMPLAINT

Comes now the PLAINTIFF, ARTHUR J. JONES, JR., and files this his Complaint against the DEFENDANTS, CITY OF HATTIESBURG, MISSISSIPPI and Detective Sergeant NEAL ROCKHOLD and in support thereof would show unto the Court as follows:

I.

The Plaintiff, ARTHUR J. JONES, JR., is an adult resident citizen of the City of Gulfport, State of Mississippi.

II.

The Defendant, CITY OF HATTIESBURG, is a municipality organized and existing under the laws of the State of Mississippi and maybe served with process of this Court by service upon its duly elected Mayor Toby Barker, City of Hattiesburg 200 Forrest Street, Hattiesburg, MS 39401.

The Defendant, Detective Sergeant NEAL ROCKHOLD, is an adult resident citizen of the City of Hattiesburg, County of Forrest, State of Mississippi and maybe served with process of this Court by service at his place of employment: Hattiesburg Police Department, 701 James Street, Hattiesburg, MS, 39401.



CERTIFIED A TRUE COPY
Forrest County, Mississippi
Gwen Wilks, Circuit Clerk
This the 15 day of May, 2018
By Kim Shaker D.C.

III.

This action is brought pursuant to the Mississippi Tort Claim Act, Miss Code § 11-46-1 et seq, and the Defendant, City of Hattiesburg having been served with Notice of the Claim in accordance therewith on January 9, 2018 in accordance therewith. In addition thereto this is a civil rights Complaint brought by the Plaintiff pursuant to 42 U.S.C. §1983 and the Fourth, Eighth, and Fourteenth Amendments to the *United States Constitution* against the Defendants for Constitutional violations, both State and Federal, and state law claims for personal injuries suffered by the Plaintiff as a result of the unlawful arrest and imprisonment, malicious prosecution, intentional infliction of emotional distress, negligent infliction of emotional distress of the Plaintiff and other wrongful acts against the Plaintiff which occurred as hereinafter set forth. Plaintiff in this action is a citizen of the United States and Defendants to this claim are persons for purposes of 42 U.S.C. § 1983.

FACTS

IV.

On or about July 7, 2015, Mr. Jones was negligently and/or falsely accused, arrested and imprisoned without probable cause and in violation of his rights under the United States and Mississippi Constitution for the murder of Jabari Goudy in reckless disregard for the truth.

V.

Despite clear and uncontestable evidence, including surveillance and cell phone videos and independent alibi witnesses, that Mr. Jones was not even in the City of Hattiesburg at the time of the alleged murder of Jabari Goudy, the officers or

investigators of the City of Hattiesburg falsely accused, arrested and imprisoned Mr. Jones without probable cause for the murder and/or without due process of law.

VI.

Jones fully cooperated with investigators of the City of Hattiesburg and agreed to meet with them at the Gulfport Police Department which he did.

VII.

Jones fully advised said investigators of his whereabouts at the time of the alleged murder including that he was not even in the City of Hattiesburg at time.

VIII.

He further advised them that there would be video surveillance proving his whereabouts and that he could not have possibly committed the crime in question.

IX.

When Jones and independent witnesses produced video evidence and alibis for Mr. Jones, said investigators also falsely charged the alibi witnesses with accessory after the fact apparently since they provided evidence Mr. Jones had not even been present in the City of Hattiesburg at time of the alleged murder and decided to charge them also.

X.

The investigator falsely claimed without basis that times on the surveillance and cell phone videos had been altered which was false and such was made in reckless disregard of the truth.

XI.

Jones was falsely accused, arrested, and imprisoned without probable cause on or about July 6, 2015 and remained incarcerated until March 12, 2016, a period of over 9 months for a crime he did not commit and in reckless disregard of unrefutable evidence to the contrary.

XII.

Jones was released on or about March 12, 2016, when the true perpetrator(s) of the murder of Jabari Goudy were charged or indicted.

XIII.

On or about October 10, 2017, Jones was advised by the District Attorney for Forrest County that the charge against him for the murder of Jabari Goudy had been dismissed.

XIV.

After Jones was advised that the charges against him had been dismissed he learned that Andreco Deshun Guston had been arrested or indicted for the murder of Jabari Goudy in or before March 2016 at the time that Jones was released.

XV.

Jones does not know Guston nor anyone else associated therewith and had no connection with him or anyone else whatsoever associated with or participating in the murder of Jabari Goudy.

XVI.

Jones was not even present in the City of Hattiesburg at the time of the offense but was in Gulfport, Mississippi.

XVII.

Mr. Jones was wrongfully, falsely and negligent incarcerated and imprisoned for over 9 months and was denied his freedom in violation of his rights under the United States and Mississippi Constitutions. He was subject to threats of violence and even death while incarcerated. He suffered emotional distress while incarcerated and continues to suffer emotional distress as a result thereof. He lost work. He now has a criminal record of arrest for murder.

XVIII.

Additionally the Defendants acting by and through its employees and investigators and pursuant to policy, custom or practice of the Defendants, violated the Plaintiffs' rights under the Mississippi Constitution and the United States Constitution including but not limited to Violation of Civil Rights Pursuant to Title 42 U.S.C. §1983.

XIX.

In committing the acts complained of herein, Defendants acted under color of state law to deprive the Plaintiff of certain constitutionally protected rights under the Fourth, Eighth, and Fourteenth Amendments to the Constitution of the United States including, but not limited to, the right to be free from unlawful arrest and imprisonment by persons acting under color of state law. In violating Plaintiffs' rights as set forth above and other rights that will be proven at trial, Defendants acted under color of state law and subjected the Plaintiff to unlawful arrest and false imprisonment by Defendant, in violation of Plaintiffs' rights under the Fourth, Eighth, and Fourteenth Amendments to the Constitution of the United States.

XX.

As a direct and proximate result of the violation of their constitutional rights by the Defendants, Plaintiff suffered general and special damages as alleged in this Complaint and are entitled to relief under 42 U.S.C §1983 for which Jury Trial is requested and under the Mississippi Tort Claims Act.

XXI.

The Defendant, City of Hattiesburg, acting by and through its employees and agents are also guilty of negligence, acting in reckless disregard, unlawful arrest and unlawful imprisonment, malicious prosecution, intentional infliction of emotional distress, negligent infliction of emotional distress of the Plaintiff and other wrongful acts against the Plaintiff as will be more fully shown at the trial of this matter.

WHEREFORE, PREMISE CONSIDERED, Plaintiff, ARTHUR J. JONES, JR., files this Complaint against the Defendant, CITY OF HATTIESBURG, and prays upon bench trial under the Mississippi Tort Claim Act and jury trial for the claims pursuant to 42 U.S.C §1983, that Judgment against the Defendant, CITY OF HATTIESBURG and against the Defendant, Detective Sergeant NEAL ROCKHOLD, will be entered for all damages as shown by the evidence together with all costs and attorneys fees in favor of the Plaintiff, ARTHUR J. JONES, JR.

This the 21st day of April, 2018.

ARTHUR J. JONES, JR., Plaintiff

By and through his Attorneys

BOYCE HOLLEMAN & ASSOCIATES

By: 

Tim C. Holleman

Tim C. Holleman (Ms Bar#2526)
Boyce Holleman & Associates
1720 23rd Ave./Boyce Holleman Blvd.
Gulfport, Ms 39501
Office: 228-863-3142
Fax: 228-863-9829
Email: tim@boyceholleman.com

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IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

ARTHUR J. JONES, JR.

PLAINTIFF

VERSUS

NO. 118-0073

CITY OF HATTIESBURG,
Detective Sergeant Neal Rockhold, Individually
and as agent of the Defendant, City of Hattiesburg

DEFENDANTS

S U M M O N S

THE STATE OF MISSISSIPPI

TO: Detective Sergeant Neal Rockhold
Hattiesburg Police Department
701 James St.
Hattiesburg, MS 39401

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Tim C. Holleman, Boyce Holleman & Associates, 1720 23rd Avenue/Boyce Holleman Boulevard, Gulfport, MS 39501. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said court, this the 1 day of ^{May}~~April~~, 2018.



GWEN WILKS, CIRCUIT CLERK

BY: Kimi Wilks D.C.
Forrest County, Mississippi

Issued at the Request of:
TIM C. HOLLEMAN (MSB#2526)
BOYCE HOLLEMAN & ASSOCIATES
1720 23rd Ave./Boyce Holleman Blvd.
Gulfport, MS 39501
Telephone: (228) 863-3142

PH

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

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PLAINTIFF

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NO. H18-0073

CITY OF HATTIESBURG,
Detective Sergeant Neal Rockhold, Individually
and as agent of the Defendant, City of Hattiesburg

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: Toby Barker, Mayor, City of Hattiesburg
City Hall, Administration Bldg,
200 Forrest St.
Hattiesburg, MS 39401

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

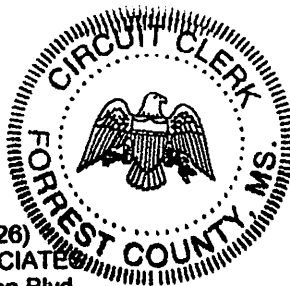
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You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said court, this the 1 day of May, 2018.

GWEN WILKS, CIRCUIT CLERK

BY: Kim Turner D.C.
Forrest County, Mississippi



Issued at the Request of:

TIM C. HOLLEMAN (MSB#2526)
BOYCE HOLLEMAN & ASSOCIATES
1720 23rd Ave./Boyce Holleman Blvd.
Gulfport, MS 39501
Telephone: (228) 863-3142

**Boyce
HOLLEMAN & ASSOCIATES**
*A Professional Association Attorneys at Law
Since 1950*

MANAGING PARTNER

Tim C. Holleman
tim@boyceholleman.com

Jesse Boyce Holleman
1924-2003
April 27, 2018

MANAGING PARTNER

L. Dean Holleman
dean@boyceholleman.com

FILED

MAY 01 2018

Ann Wicks
FORREST COUNTY CIRCUIT CLERK

Forrest County Circuit Clerk
630 Main St.
Hattiesburg, MS 39401

Re: *Arthur J. Jones, Jr. v City of Hattiesburg, et al.*
No. _____

Dear Sir or Madam:

Enclosed, please find the following:

1. Original and one copy of a *Civil Cover Sheet*;
2. Original and one copy of *Complaint*;
3. Our firm check for the filing fee; and
4. Two original *Summons in a Civil Action* for Detective Sergeant Neal Rockhold and Mayor Toby Barker, City of Hattiesburg.

Please file the original *Civil Cover Sheet* and *Complaint* into the record, and return a file-stamped copy of same in the self-addressed envelope provided. Please issue the original *Summonses* and return them in the same self-addressed envelope so that they may be served. If you have any questions, please do not hesitate to contact our office.

With kindest personal regards, we remain

Sincerely,

BOYCE HOLLEMAN & ASSOCIATES

Tim C. Holleman
Tim C. Holleman

TCH/cll

Enclosures

cc: Arthur J. Jones, Jr. (via email only)

ASSOCIATES

Patrick T. Guild
patrick@boyceholleman.com

Tricia S. Tisdale
tricia@boyceholleman.com

Mary Mitchell
mary@boyceholleman.com

1720 23rd Avenue • Boyce Holleman Blvd. • Gulfport, MS 39501
Office: 228-863-3142 • Fax: 228-863-9829 • www.boyceholleman.com

COVER SHEET		Court Identification Docket #		Case Year	Docket Number
Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		<div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; padding: 2px;">County #</div> <div style="border: 1px solid black; padding: 2px;">Judicial District</div> <div style="border: 1px solid black; padding: 2px;">Court ID (CH, O, CO)</div> </div> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="border: 1px solid black; padding: 2px;">Month</div> <div style="border: 1px solid black; padding: 2px;">Date</div> <div style="border: 1px solid black; padding: 2px;">Year</div> </div>		<div style="border: 1px solid black; padding: 5px; font-size: 2em; font-weight: bold;">FILED</div> <div style="margin-top: 5px; font-size: 1.2em;">MAY 01 2018</div>	<div style="border: 1px solid black; padding: 2px;">Local Docket ID</div>
Mississippi Supreme Court Administrative Office of Courts		Form AOC/01 (Rev 2009)		This area to be completed by clerk FORREST COUNCIL JUDICIAL DISTRICT	
In the CIRCUIT		Court of FORREST		County —	Judicial District
Origin of Suit (Place an "X" in one box only)					
<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Initial Filing <input type="checkbox"/> Remanded </div> <div> <input type="checkbox"/> Reinstated <input type="checkbox"/> Reopened </div> <div> <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Joining Suit/Action </div> <div> <input type="checkbox"/> Transfer from Other court <input checked="" type="checkbox"/> Appeal </div> <div> <input type="checkbox"/> Other </div> </div>					
Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form					
Individual Jones Arthur					
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">Last Name</div> <div style="width: 30%;">First Name</div> <div style="width: 30%;">Maiden Name, if applicable</div> <div style="width: 10%;">J. M.I.</div> <div style="width: 10%;">Jr Sr/III/IV</div> </div>					
<input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____					
<input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency _____					
Business					
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated _____					
<input type="checkbox"/> Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: D/B/A _____					
Address of Plaintiff 2602 Joan Ave. Gulfport, MS 39501					
Attorney (Name & Address) Tim C. Hollerhan, 1720 23rd Ave., Gulfport, MS 39501					
MS Bar No. 2526					
<input type="checkbox"/> Check (x) if Individual Filing Initial Pleading is NOT an attorney					
Signature of Individual Filing: <i>[Signature]</i>					
Defendant - Name of Defendant - Enter Additional Defendants on Separate Form					
Individual					
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">Last Name</div> <div style="width: 30%;">First Name</div> <div style="width: 30%;">Maiden Name, if applicable</div> <div style="width: 10%;">M.I.</div> <div style="width: 10%;">Jr/Sr/III/IV</div> </div>					
<input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____					
<input checked="" type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency City of Hattiesburg, Mississippi					
Business					
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated _____					
<input type="checkbox"/> Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: D/B/A _____					
Attorney (Name & Address) - If Known					
MS Bar No.					
Damages Sought: Compensatory \$ _____ Punitive \$ _____					
<input type="checkbox"/> Check (x) if child support is contemplated as an issue in this suit.*					
*If checked, please submit completed Child Support Information Sheet with this Cover Sheet					
Nature of Suit (Place an "X" in one box only)					
Domestic Relations		Business/Commercial		Children/Minors - Non-Domestic	
<input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other		<input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other		<input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion Minor <input type="checkbox"/> Removal of Minority <input type="checkbox"/> Other	
Appeals		Probate		Civil Rights	
<input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other		<input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Other		<input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input checked="" type="checkbox"/> Other \$1983	
		Contract		Real Property	
		<input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other		<input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other	
		Statutes/Rules		Torts	
		<input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input checked="" type="checkbox"/> Other 11-46-1		<input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input checked="" type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Other False Arrest	

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI
JUDICIAL DISTRICT, CITY OF

Docket No. _____ - _____
File Yr Chronological No. Clerk's Local ID

Docket No. If Filed
 Prior to 1/1/94 _____

DEFENDANTS IN REFERENCED CAUSE - Page 1 of ____ Defendants Pages
IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET

Defendant #2:

Individual: Rockhold Neal () _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) ____ Not an Attorney(✓) ____

Defendant #3:

Individual: _____ () _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) ____ Not an Attorney(✓) ____

Defendant #4:

Individual: _____ () _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) ____ Not an Attorney(✓) ____